SENATE HEARING SLIP

(Please Print Plainly)

54

SB17

DATE: 2-6-01

BILL NO. 17
or
SUBJECT

AN GATES
(NAME)

2124 Shore Dk.
(Street Address or Route Number)

Beloit 53511
(City and Zip Code)

(Representing)

Speaking in Favor: ☑

Speaking Against: ☐

Registering in Favor: but not speaking: ☑

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: FEB 6th

BILL NO. SB 17
or
SUBJECT

MATTHEW BRUSKY
(NAME)

3229 N. NEWHALL
(Street Address or Route Number)

MILWAUKEE. 53211
(City and Zip Code)

SEIU
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☑

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17
or
SUBJECT LEIN LAW

BIAS BERUMEN
(NAME)

3450 E Gracie CT
(Street Address or Route Number)

Oak Creek
(City and Zip Code)

WI 53154
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. 17
or
SUBJECT Wage Claim Lien

Barb Fischer
(NAME)

309 Byrnes St
(Street Address or Route Number)

Antigo 54409
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☑

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. 17
or
SUBJECT Wage Claim

Della Veasey
(NAME)

2839 Northwest
(Street Address or Route Number)

Milwaukee 53206
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☑

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. 17
or
SUBJECT

Darwichi Kimbrough
(NAME)

2833 N. 6th St.
(Street Address or Route Number)

Mil. Wisc 532R
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☑

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17
or
SUBJECT

Joe Oswald
(NAME)

2821 Cont St S-202
(Street Address or Route Number)

Madison WI 53713
(City and Zip Code)

Wisconsin Laborers' District Council
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol – B35 South
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Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 02-06-01

BILL NO. SB 17
or
SUBJECT 2 EINLAW

FRANCISCO HERNANDEZ
(NAME)

2408 W SCOTT ST
(Street Address or Route Number)

MILWAUKEE WI- 53204
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17
or
SUBJECT Wage Lein Law

Humberto Murgia
(NAME)

1228 S. 31 ST.
(Street Address or Route Number)

Milwaukee WI 53215
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-2-01

BILL NO. S. B. 17
or
SUBJECT LEINAW

Domingo Banaga
(NAME)
2031 W Lapham St
(Street Address or Route Number)
Milwaukee WI
(City and Zip Code)
53204
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB17
or
SUBJECT LEINLAW

AURELIO Valdez
(NAME)
3708E HOLMES AVE
(Street Address or Route Number)
CUDAHY
(City and Zip Code)
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17
or
SUBJECT

KEN OPIN
(NAME)
~~69~~ 1334 APPLEGATE RD
(Street Address or Route Number)
MADISON 53713
(City and Zip Code)
WIS. FED. of TEACHERS
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☑

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2.06.01

BILL NO. SB17
or
SUBJECT

(NAME)
JESUS GAMEZ

(Street Address or Route Number)
2171 A.S.35.St

(City and Zip Code)
MILWAUKEE WI 53215

(Representing)
Esperanza Unida

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 02/6/01

BILL NO. SB 17
or
SUBJECT wage term law

ADOFO Mora

(NAME)
2052 S 35th ST

(Street Address or Route Number)
Milwaukee WI 53215
~~2052 S 35th ST~~

(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB17
or
SUBJECT

Francisco Alverado

(NAME)
921 S. 35th st

(Street Address or Route Number)
Milwaukee, WI 53215

(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb. 6, 2001

BILL NO. SB 17

or

SUBJECT Wage Lien

Sheila D. Cochran

(NAME)

3316 - N. 51st Blvd

(Street Address or Route Number)

Milw. Wi 53216

(City and Zip Code)

Organized Labor

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17

or

SUBJECT

Tim Deneen

(NAME)

423 E Main St

(Street Address or Route Number)

Evansville WI 53536

(City and Zip Code)

United Transportation Union

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☑

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/5/01

BILL NO. SB 17

or

SUBJECT Wage Claim Lien

Mark Reihl

(NAME)

115 W. Main St.

(Street Address or Route Number)

Madison, 53703

(City and Zip Code)

Wis State Council of Carpenters

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☑

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol – B35 South
P.O.Box 7882
Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB-17

or

SUBJECT Lenlo SB-17

Alma deLeon

(NAME)

1558A S 15th St

(Street Address or Route Number)

Milwaukee wi 53204

(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb 6, 2001

BILL NO. 17

or

SUBJECT WAGE LIEN Bill

Kenneth P. Greening

(NAME)

642 South 94 PLACE

(Street Address or Route Number)

West Allis, WIS. 53214-1205

(City and Zip Code)

LIVING WAGE TASK FORCE

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17

or

SUBJECT

Page Buchanan

(NAME)

Mail P.O Box 208

(Street Address or Route Number)

Iron Ridge WI 53547

(City and Zip Code)

IBEW

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/00

BILL NO. SB 17
or
SUBJECT Wage Lien Bill

State Representative Antonio R. Riley
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☑

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6 2001

BILL NO. Bill 17
or
SUBJECT

(NAME)
DELLA Smith

(Street Address or Route Number)
3263 N 78th St

(City and Zip Code)
MILWAUKEE 53216

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☑

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB17
or
SUBJECT

Pepe Oelahan
(NAME)

3313 W. Kilbourn Ave
(Street Address or Route Number)

Milwaukee, WI 53208
(City and Zip Code)

LCLAA
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 02-6-01

BILL NO. SB17
or
SUBJECT

MARIE MCAFEE
(NAME)

3827 N. 3rd St
(Street Address or Route Number)

Milwaukee WI
(City and Zip Code)

53212
(Representing)

Speaking in Favor: [X]

Speaking Against: [ ]

Registering in Favor:
but not speaking: [X]

Registering Against:
but not speaking: [ ]

Speaking for information
only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17
or
SUBJECT WAGE LIEN
BILL

(NAME) Thomas J Ebert

(Street Address or Route Number) 406 Palomino Lane

(City and Zip Code) Madison WI 53705

(Representing)

Speaking in Favor: [ ]

Speaking Against: [ ]

Registering in Favor:
but not speaking: [X]

Registering Against:
but not speaking: [ ]

Speaking for information
only; Neither for nor against: [ ]

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB17
or
SUBJECT Wage lien

Dian Palmer
(NAME)

16515 Prairie Ct
(Street Address or Route Number)

Brookfield, WI 53005
(City and Zip Code)

SEIU/District 1199W
(Representing)

Speaking in Favor: [ ]

Speaking Against: [ ]

Registering in Favor:
but not speaking: [X]

Registering Against:
but not speaking: [ ]

Speaking for information
only; Neither for nor against: [ ]

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/2001

BILL NO. SB 17
or
SUBJECT Wage Lien Bill

Sue Moline Larson
(NAME)

322 E WASHINGTON
(Street Address or Route Number)

Mad, WI 53703
(City and Zip Code)

Lutheran office for Public Policy
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: ☑
but not speaking:

Registering Against: ☐
but not speaking:

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17
or
SUBJECT WAGE LIEN BILL

PAUL PERSSON
(NAME)

N6715 L WOLFGRAM
(Street Address or Route Number)

PARDEEVILLE 53954
(City and Zip Code)

SEIU 1199 UPHC
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: ☒
but not speaking:

Registering Against: ☐
but not speaking:

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb 6-2001

BILL NO. Senate Bill 17
or
SUBJECT

Lisa Michaels
(NAME)

188 N. Park Ave
(Street Address or Route Number)

Fonddulae 54935
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: ☒
but not speaking:

Registering Against: ☐
but not speaking:

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb 6 2001

BILL NO. Senate 17
or
SUBJECT wage claim lein.

Sharon Russart
(NAME)

416 Linden St
(Street Address or Route Number)

Fond Du Lac WI 54935
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. 17
or
SUBJECT

Joanne Augsburger
(NAME)

536 E. Main St.
(Street Address or Route Number)

Winneconne WI 54986
(City and Zip Code)

SEIU Local 150
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. S-17
or
SUBJECT

Michael Miller
(NAME)

200 E. Wells St. Rm 606
(Street Address or Route Number)

Milwaukee, WI 53212
(City and Zip Code)

City of Milwaukee
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☑

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB17
or
SUBJECT Wage Lein Bill

Amy Harlson
(NAME)
1903 Vernon
(Street Address or Route Number)
Beloit WI 53511
(City and Zip Code)
SEIU Local 150
(Representing)

Speaking in Favor: ☐
Speaking Against: ☐
Registering in Favor: but not speaking: ☒
Registering Against: but not speaking: ☐
Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 02/06/01

BILL NO. SB17
or
SUBJECT

Ann M. McNeary
(NAME)
1221 Sunfield #3
(Street Address or Route Number)
Sun Prairie, WI 53590
(City and Zip Code)
Communications Workers of America
(Representing) WI Political Council

Speaking in Favor: ☐
Speaking Against: ☐
Registering in Favor: but not speaking: ☒
Registering Against: but not speaking: ☐
Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE:

BILL NO. SB 17
or
SUBJECT

Sen. Fred Risser
(NAME)
220 South
(Street Address or Route Number)
(City and Zip Code)
(Representing)

Speaking in Favor: ☐
Speaking Against: ☐
Registering in Favor: but not speaking: ☒
Registering Against: but not speaking: ☐
Speaking for information only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 02/06/01

BILL NO. SB17
or
SUBJECT Wage Lien Bill

Lisa Tooley
(NAME)

9850 Prairie Ridge Rd
(Street Address or Route Number)

Tomahawk, WI 54487
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17
or
SUBJECT Wage Lien

Rep. Dan Schooff
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

Please return this slip to a messenger PROMPTLY.
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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO.
or
SUBJECT SB 17

Jean Verber
(NAME)

3782 N. 12
(Street Address or Route Number)

Milwaukee
(City and Zip Code)

Women & Poverty
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 02-06-02

BILL NO. SB17

or

SUBJECT Wage Lien Bill

Patricia Bruns

(NAME)

#0837 N 05 2nd St

(Street Address or Route Number)

Milwaukee Wis

(City and Zip Code) 53218 11994P SEIU

(Representing)

Speaking in Favor: [MM]

Speaking Against: [ ]

Registering in Favor: but not speaking: [X]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17

or

SUBJECT Wage Lien

John Goldstein

(NAME)

3058 N. Stowell

(Street Address or Route Number)

Milwaukee 53211

(City and Zip Code) Milwaukee County Labor Council

(Representing)

Speaking in Favor: [MM]

Speaking Against: [ ]

Registering in Favor: but not speaking: [X]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 02-06-02

BILL NO. SB17

or

SUBJECT Wage Lein Bill

Dorthy Smith

(NAME)

2935 42nd

(Street Address or Route Number)

Mil Wis 53206

(City and Zip Code) 11994P SEIU

(Representing)

Speaking in Favor: [MM]

Speaking Against: [ ]

Registering in Favor: but not speaking: [X]

Registering Against: but not speaking: [ ]

Speaking for information only; Neither for nor against: [ ]

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB-17
or
SUBJECT Wage Claim Lien

ROBERT W. LYONS
(NAME)

8033 EXCELSIOR DR.
(Street Address or Route Number)

MADISON, WIS. 53717-1903
(City and Zip Code)

AFSCME COUNCIL 40
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. ~~&~~ SB 17
or
SUBJECT

Debbie Winkler
(NAME)

718 Jackson St #2
(Street Address or Route Number)

Wausau, WI 54403
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17
or
SUBJECT Wage - Liens

Tim Elverman
(NAME)

111 E. Kilbourn Ave,
(Street Address or Route Number)

Milwaukee, WI 53202
(City and Zip Code)

Bank One Wisconsin
(Representing) Broydrick + Assoc.

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☒

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Madison, WI 53707-7882

after Vaughan

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2 6 01

BILL NO. SB 17

or

SUBJECT LEINEAW

Luis Arteaga
(NAME)

5357 S 70th St
(Street Address or Route Number)

Milwaukee WI 53721
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: X

Speaking for information
only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17

or

SUBJECT

Jim Kopp
(NAME)

P. O. Box 7933
(Street Address or Route Number)

Madison WI 53707
(City and Zip Code)

Anchorbank FSB
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: X

Speaking for information
only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB17

or

SUBJECT

Amy Boyer
(NAME)

10 E. Doty St. #500
(Street Address or Route Number)

Madison 53703
(City and Zip Code)

WI Mortgage Bankers Assn
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: X

Speaking for information
only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. 17
or
SUBJECT

Michael L McDonnell
(NAME)

505 Acewood Blvd
(Street Address or Route Number)

Madison Wi 53714
(City and Zip Code)

(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☒

Speaking for information only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. 17
or
SUBJECT

Bill G. Smith
(NAME)

10 East Doty Suite 201
(Street Address or Route Number)

Madison 53703
(City and Zip Code)

National Federation of Independent Business
(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6

BILL NO. SB17
or
SUBJECT

Daryll Lund
(NAME)

7818 Big Sky Dr. Ste 104
(Street Address or Route Number)

Madison 53719
(City and Zip Code)

Community Bankers of WI
(Representing)

Speaking in Favor: ☐

Speaking Against: ☑

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17
or

SUBJECT

Jim Kopp
(NAME)

10 FLAGSTAFF CT
(Street Address or Route Number)

MADISON WI 53719
(City and Zip Code)

SELF
(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB17
or

SUBJECT

Jim Hough
(NAME)

10 E. Doty #500
(Street Address or Route Number)

Madison 53703
(City and Zip Code)

WI Mortgage Bankers Assn
(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. # SB 17
or

SUBJECT Peterson

#Lisa Peterson — They would like to speak together.
Pete Christianson
(NAME)

1 S. Pinckney Suite 600
(Street Address or Route Number)

MSN, WI 53701-2113
(City and Zip Code)

Wis. Land Title Assoc.
(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17
or

SUBJECT

Lisa Petersen
(NAME)

20900 Swenson #900
(Street Address or Route Number)

Waukesha WI 53186
(City and Zip Code)

Chicago THE Insurance
(Representing)

Speaking in Favor: ☐

Speaking Against: ☑

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17
or

SUBJECT

James Buchen
(NAME)

501 E Wash
(Street Address or Route Number)

Madison
(City and Zip Code)

Wis Manufacturers + Comm
(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17
or

SUBJECT

MICHAEL R. VAUGHAN
(NAME)

P.O. BOX 2038
(Street Address or Route Number)

MADISON, WI 53701
(City and Zip Code)

WISCONSIN BANKERS ASSOCIATION
(Representing)

Speaking in Favor: ☐

Speaking Against: ☒

Registering in Favor:
but not speaking: ☐

Registering Against:
but not speaking: ☐

Speaking for information
only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB17
or
SUBJECT

CAROLYN CASTORE
(NAME)

6706 W. 52nd St
(Street Address or Route Number)

Milwaukee WI 53223
(City and Zip Code)

WISCONSIN CITIZEN ACTION
(Representing)

Speaking in Favor: ✓

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 02.06-01

BILL NO. SB 17
or
SUBJECT Wage lein law

Lynda Marki
(NAME)

3743A E. Morris Ave
(Street Address or Route Number)

Cudahy WI 53110
(City and Zip Code)

WORKER SUPPORT committee for Peter Vogel AL Gebhardt
(Representing)

Speaking in Favor: ✓

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17
or
SUBJECT LEIN LAW

RICHARD OULAHAN
(NAME)

3206 S. Pennsylvania
(Street Address or Route Number)

Mil. WI 53207
(City and Zip Code)

(Representing)

Speaking in Favor: ✓

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB 17
or
SUBJECT

(NAME) Michael Rodgers

(Street Address or Route Number) 5163 N. 107th St Apt #5

(City and Zip Code) Milwaukee 53225

(Representing) Workers Support Committee

Speaking in Favor: ✓

Speaking Against:

Registering in Favor: but not speaking:

Registering Against: but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb 6, 2001

BILL NO. 17
or
SUBJECT Wage Lein Priority

Robert Kraig

(NAME)

8021 W. Town

(Street Address or Route Number)

Milwke, WI 53223

(City and Zip Code)

SEIU - Wisconsin State Council

(Representing)

Speaking in Favor: X

Speaking Against:

Registering in Favor: but not speaking:

Registering Against: but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17
or
SUBJECT

(NAME) Rosemary Martinez

(Street Address or Route Number) 3425 S. 17th St

(City and Zip Code) Mil Wk. 53215

(Representing)

Speaking in Favor: X

Speaking Against:

Registering in Favor: but not speaking:

Registering Against: but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB-17

or

SUBJECT Lin/o SB-17

Salvador R de LeON
(NAME)

15584 S 15th Milw wi
(Street Address or Route Number)

Milwaukee wi 53204
(City and Zip Code)

(Representing)

Speaking in Favor: X

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. SB-17

or

SUBJECT Wage lien

Monica Burkert-Brist
(NAME)

WI Dept. of Justice
(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor: X

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/01

BILL NO. 17

or

SUBJECT Wage Claim Lein Law

Meagan J. Jones
(NAME)

1821 N. 16th St.
(Street Address or Route Number)

Milwaukee, WI 53205
(City and Zip Code)

MICAH, Inc.
(Representing)

Speaking in Favor: X

Speaking Against:

Registering in Favor:
but not speaking:

Registering Against:
but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB. 17
or
SUBJECT

Phillip L Neuenfeldt
(NAME)

6333 W Bluemound
(Street Address or Route Number)

Mil. 53213
(City and Zip Code)

WIS. AFL-CIO
(Representing)

Speaking in Favor: —

Speaking Against: ☐

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. 17
or
SUBJECT

Robert GRANUM
(NAME)

S76W24865 HIGHLAND CT
(Street Address or Route Number)

WAUKESHA WI 53189
(City and Zip Code)

UE Local 1111
(Representing)

Speaking in Favor: ☒

Speaking Against: ☐

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17
or
SUBJECT

John Robson
(NAME)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor: ☒

Speaking Against: ☐

Registering in Favor: but not speaking: ☐

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol – B35 South
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Madison, WI 53707–7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: Feb. 06/2001

BILL NO. 17 and 33
or
SUBJECT

Mark D. Hoffmann
(NAME)

2687 Tarrytown Circle
(Street Address or Route Number)

Stoughton, WI 53589
(City and Zip Code)

International Brotherhood of Electrical Workers
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB17 SB33
or
SUBJECT

CHRISTINE CALVERT
(NAME)

207 W. WELSHPOOL CT.
(Street Address or Route Number)

WALES WI 53183
(City and Zip Code)

SELF
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/16/01

BILL NO. SB 17 / SB 33
or
SUBJECT ① Wage claim lien
② increasing min. wage

Frank Busalacchi
(NAME)

6200 W. Bluemound Rd.
(Street Address or Route Number)

Milwaukee 53207
(City and Zip Code)

Teamsters Jt. Council 39
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor: but not speaking: ☒

Registering Against: but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. 17 & 33

or

SUBJECT Wage Claim

Lean Bill

Kate Hinner

(NAME)

1971 E. Washington Ave.

(Street Address or Route Number)

Madison, WI 53704

(City and Zip Code)

(Representing)

Speaking in Favor:	X
Speaking Against:	
Registering in Favor: but not speaking:	X
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: FEB. 6, 2001

BILL NO. SB 17 SB33

or

SUBJECT

Doug Calvert

(NAME)

207 Welshpool Ct

(Street Address or Route Number)

Wales WI 53183

(City and Zip Code)

IBEW LU 2150

(Representing)

Speaking in Favor:	X
Speaking Against:	
Registering in Favor: but not speaking:	X
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2-6-01

BILL NO. SB 17

or

SUBJECT SB-33

Margaret Zoern

(NAME)

N11576 PHEASANT

(Street Address or Route Number)

BIRNAMWOOD, WI 54414

(City and Zip Code)

MARGARET ZOERN SEI

(Representing)

Speaking in Favor:	
Speaking Against:	
Registering in Favor: but not speaking:	✓
Registering Against: but not speaking:	
Speaking for information only; Neither for nor against:	

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 2/6/2001

BILL NO. SB 17 & SB 33
or
SUBJECT _____

Annie Wacker
(NAME)

8724 W. Dogwood St
(Street Address or Route Number)

Milwaukee 53224
(City and Zip Code)

MCLC
(Representing)

Speaking in Favor: ☐

Speaking Against: ☐

Registering in Favor:
but not speaking: ☒

Registering Against:
but not speaking: ☐

Speaking for information only; Neither for nor against: ☐

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State Capitol - B35 South
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Madison, WI 53707-7882

STATE REPRESENTATIVE
ANTONIO R. RILEY
18TH ASSEMBLY DISTRICT
JOINT FINANCE COMMITTEE MEMBER

February 5, 2001

Senator David Hansen
Chairman, Senate Committee on Labor and Agriculture
State Capitol, 19 South
Madison, WI 53708

Senator Hanson and other members of the Senate Labor & Agriculture Committee:

Unfortunately due to a long-standing scheduling commitment, I will be unable to attend the public hearing on SB 17, the wage claim lien bill. However, the importance of this legislation makes it imperative for me to let my thoughts on this issue be known to you as members of the committee.

The importance of the wage lien bill was made clear to me by events in my own District. Representing the 18th Assembly District located in downtown Milwaukee, I had many constituents who worked for Steeltech Manufacturing. Unfortunately, Steeltech was unable to make a profit and eventually filed for bankruptcy—laying off approximately 70 people.

These workers, in addition to losing their jobs, received another a significant blow to their financial well being. An estimated $6 to $7 million on back wages owed to the Steeltech workers would likely not be paid to them as part of the bankruptcy settlement.

Why are workers not being paid for work they have completed? Because of an amendment that passed first as part of the budget repair bill at the end of the 1997-98 legislative session and again, in a slightly changed form, by the 1999 budget bill. An amendment that places liens held by financial institutions ahead of workers' wages and benefits. An amendment that protects financial institutions at the expense of workers.

Senate Bill 17 would correct this case of misplaced priorities. It would give workers priority as secured creditors if they were left unpaid when their employer closes or goes bankrupt. As the Wisconsin State AFL-CIO stated in their January 8, 2001 letter,

"The wage claim lien bill would restore the priority for Wisconsin workers that was the intent of the Wisconsin Legislature and strongly affirmed by the courts. Justices of the 1st District Court of Appeal declared "The absolute or sacred nature of the wage claim lien flows from the single proposition: if workers are not paid their wages, they and their families will suffer."

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STATE CAPITOL OFFICE: (608) 266-0645 • FAX: (608) 282-3618 • E-MAIL: Rep.Riley@legis.state.wi.us

I understand why financial institutions might oppose this legislation—they are at risk when businesses close or go bankrupt. But one must remember the simple but important fact that financial institutions are being compensated for their risk. By the nature of the business they engage in, financial institutions also have the technical wherewithal and expertise to assess credit risk. Workers have none of those protections—they only have what we all have—the expectation of being paid for the work they perform.

That is why Senate Bill 17 is extremely important. We must provide the simple but critical protection to workers assuring that they receive the wages due to them.

I ask the Committee to think deeply about the plight of workers—who through no fault of their own have lost their livelihood as their employer has closed due to bankruptcy. Whose interests need to be protected first? And think how important this question becomes throughout the entire state if the economy actually does go into recession and more businesses do go out of business.

Thank you for your consideration.

Antonio R. Riley
State Representative
18th Assembly District

ARR/cng
S:letters/nonconstiuent/wageclaimlien.february52001

INTERFAITH CONFERENCE OF GREATER MILWAUKEE

Founded 1970

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February 5, 2001

Senate Labor and Agriculture Committee
Wisconsin State Senate
Madison, Wisconsin

Dear Senators:

As the committee hears testimony regarding Senate Bill 17, the Priority for Wage Claim Liens bill, we wish to express our support for the bill. The Interfaith Conference endorsed last session's bill on this matter and wishes to restate that support.

When considering legislation and other issues that affect the community we strive to advocate for policies that uphold the dignity of every person. We believe that insuring that workers always receive wages they are owed respects their dignity and is simply the fair and just thing to do. As our Executive Director Jack Murtaugh has said, workers should not be treated like filing cabinets and office furniture when it comes to bankruptcy proceedings. Banks should not be able to count on workers losing wages they are owed in order for banks to collect on loans that are, by definition, a business risk. Workers should not be taking a business risk when they show up at the job.

We trust that the committee will look favorably upon this legislation and will work with the Assembly leadership to urge a vote on the bill in the early days of this session.

Thank you to your attention to this matter and for all the important work you are doing.

Sincerely,

Marcus White

Marcus White
Associate Director

Judith B. Robson
Wisconsin State Senator

Testimony of Senator Robson
Senate Bill 17 – priority of wage claim liens

Senate Bill 17 gives workers top priority as creditors if they are left unpaid when their employer goes out of business. It is based on a fundamental principle that workers deserve to be paid for their labor. This was the law in Wisconsin for decades and during that time wage claim liens had priority over all other liens except those for cleaning up hazardous waste.

The wage claim lien statute was changed in 1998 and 1999 so that now the liens of financial institutions have priority. Senate Bill 17 restores the priority of wage claim liens.

I introduced this legislation because recent events have confirmed that when a business stops operating, workers who have not been paid often end up with nothing. For example, when Steeltech Manufacturing of Milwaukee ceased to operate a few years ago, about 70 employees learned that they would not be paid the wages they were owed.

In my own district, the Beloit Corporation closed without paying the severance pay it owed the workers. The company deliberately deceived the workers to keep them working while the company's assets were sold in bankruptcy court, then refused to pay the severance pay that it had promised.

The Department of Justice is pursuing claims on behalf of the workers, but since those claims are not priority liens it is not clear how much, if anything, the workers will actually receive. Denying workers the pay they have earned is wrong and should not be legally permissible.

This issue doesn't just affect workers in cities like Milwaukee and Beloit, it affects workers everywhere. The Department of Workforce Development has cases pending against companies in West Bend, Plover, Ashland, Rhinelander and Watertown. But how much those workers will actually receive is in doubt since liens for unpaid wages no longer have priority.

The impact of plant closings on workers and their families is devastating. It is unconscionable to have that pain compounded by the injustice of not receiving wages that are owed.

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Under current law, the claims of financial institutions have priority over all liens (except liens to clean up hazardous waste sites). To me, it makes more sense to give priority to the claims of workers for unpaid wages. Financial institutions are in the business of loaning money and evaluating the risk of those loans. They diversify their risk by making many loans. A working family does not have these protections. All an employee has is the time that he or she has worked. This is time that the person rightfully expects to be paid for.

Senate Bill 17 simply codifies a rule of fairness: if a company promises wages, the company should be bound by its promise.

Last session an identical version of this bill passed the Senate on a bipartisan vote of 23-10. It was never taken up by the Assembly committee to which it was referred. I am hopeful that by starting earlier in the session we will have more success this year.

This should not be a partisan issue. Each of us represents people who work for a living. Whether they vote Republican, Democrat, both or not at all, our constituents deserve to be paid for the hours they work.

I urge your support for this simple legislation that gives legal sanction to the sense of fair play that we all share regarding the rules of work. Thank you.

Wisconsin State AFL-CIO

CHARTERED 1958

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David Newby, President • Sara J. Rogers, Exec. Vice President • Phillip L. Neuenfeldt, Secretary-Treasurer

TO: Members of the Senate Labor and Agriculture Committee
FROM: Phil Neuenfeldt, Secretary-Treasurer
DATE: February 6, 2001

RE: **SUPPORT FOR SENATE BILL 17**
Priority for Wage Claim Liens

This legislation is based on the fundamental principle that workers deserve to be paid in full for their labor.

Wisconsin statutes allow for a wage claim lien to be filed on the assets of an employer for wages owed to workers. The priority for wage claim liens over all other secured creditors was affirmed in a unanimous decision by the 1st District Court of Appeals in January 1998 in a case involving Wisconsin's wage claim lien statute. However, banking lobbyists moved quickly to slip an amendment into a final "miscellaneous motion" passed by the Joint Finance Committee related to a budget repair bill at the end of the 1997-98 Legislative Session. The amendment essentially nullified the court ruling.

State law now gives workers' unpaid wages and benefits top priority *except* for a lien of a bank, credit union or savings and loan that was filed before the wage claim lien. Because financial institutions file liens at the time a loan is approved - sometimes even before workers are hired - they will always have first claim on assets. Given this, there are rarely any assets left to compensate workers who remain unpaid for labor performed in good faith for their employer. This is fundamentally unfair.

There are thousands of business closings each year and in the vast majority of cases employers do not leave workers unpaid. However, when it does happen it creates a financial hardship for those workers affected, and it is basically unjust. The following are some examples of business closings in recent years where workers were left with money owed to them:

(over)

Beloit Corporation (Beloit)
Econo Foods (Plover)
Stadium Sports (Madison)
AR Accessories Group (West Bend)
U. S. Leather, Inc. (Milwaukee)
City Brewing Company (La Crosse)
J & A Home Health (Milwaukee)
Steeltech (Milwaukee)
Hunt's Family Food Center (Ashland)
LSJ Sportswear (Deerfield)
Marplex, Inc. (Rhinelander)
Menasha Corporation (Watertown)
Cares R Us Home Health (Milwaukee)

[Wage claims can include: wages, holiday pay, vacation pay, severance pay, bonuses, supplemental unemployment compensation benefits when required under a collective bargaining agreement, and other benefits agreed upon between the employer and employee. It also includes any increased wages due to plant closing violations.]

What message is sent to the broader workforce when workers are left unpaid for their many years of loyalty and labor? SB 17 would restore the priority for Wisconsin workers that was the intent of the Wisconsin Legislature and strongly affirmed by the courts. As the justices of the 1st District Court of Appeals declared:

> "The absolute or sacred nature of the wage claim lien flows from the simple proposition: if workers are not paid their wages, they and their families will suffer."

Their ruling went on to say:

> "Nothing in the statutes suggests that the Legislature intended workers to lose their wages merely because a bank or some other creditor arrived at the courthouse first."

While a bank takes a risk based on the careful assessment of its loan officers, a worker relies on the employer's word that they will be paid for work performed in good faith. Banks are in the business of financial risk -- workers are not. The courts agree that the banks should not shift their risk to workers and their families.

We urge members of the committee to *put workers first* and support SB 17.

PN/JR/mj

Testimony of UE Local 1111 Sergeant-at-Arms Bob Granum
at the Wisconsin State Senate Labor and Agriculture Committee Hearing
Regarding Senate Bill 17

2/6/01

I am here to express the full support of my union, the United Electrical, Radio and Machine Workers of America, and the thousands of working families in Wisconsin that we represent, for Senate Bill 17. We represented the workers at Steeltech in Milwaukee and our members there learned just how deficient the current law is. The changes proposed in this bill are absolutely necessary.

You might ask: "How did the workers at Steeltech manage to end up being owed weeks and even months of pay when the company declared bankruptcy?" I will explain as best I can. Steeltech, as you may remember, was established with much acclaim as creating a future for an impoverished section of Milwaukee. Many top public and corporate officials were on hand to claim credit. But a few years later the major contracts had dried up and Steeltech's finances, rickety from the start, were on the verge of collapse. Finally the management asserted early in 1999 that they had lined up new business, contingent only on getting their finances reorganized. And they said they also had all but finalized that refinancing, that it was waiting only on a couple final technicalities.

But then the money for the weekly payroll dried up before the refinancing came through. Management held a meeting with the workers and told them that if the workers stopped working due to not receiving pay, then the company would have to close the doors, and once they did there would be no chance of getting the refinancing and reopening the plant. But if the workers kept working, the refinancing would come through in a matter of one or two weeks, and the workers would receive their backpay. City officials backed up management's claim that the refinancing was close.

The workers at Steeltech knew that the plant was the only hope for the future in their community, so in the face of this situation, and with the promise that they would be paid shortly, they decided to keep working. The company even continued to run weekly payroll checks--it just didn't distribute them because there wasn't money in the account. The first couple weeks went by and management said it would be another week or two. And then it kept going throughout the summer. Most of the workers eventually had to leave to get other jobs to support their families, but by then they were owed several weeks pay. Finally the company declared bankruptcy in early October, 1999.

About 40 workers that we represented were left owed about $95,000 in wages for hours worked. In addition, both they and other workers were owed thousands of dollars for vacation pay that they had earned but not yet been paid. Non-represented office and management personnel were also owed a substantial amount of pay.

Steeltech did not close without some substantial assets. It was estimated that the real estate and equipment was worth between $4 and $5 million. The workers should have been paid from the proceeds of the sale of this property, and the union filed a lien on their behalf in order to accomplish this. But due to the horrendous way the current law is written, it is not clear that the workers will receive a single penny. Instead, they have had to stand by and watch every last dollar given to a wealthy bank instead, leaving poor families even poorer despite their hard work and total commitment to their jobs.

This happened because the law as written is inherently unfair. It gives money owed to banks priority over money owed in wages. So banks, who justify high interest rates by saying they are putting their money at risk, are being absolved of that risk by our government. And workers, who are least able to afford a loss of income, are left without pay despite the fact that our government is supposed to enforce the iron-clad guarantee of a day's wages for a day's work.

This happened because the law as written is easily twisted, even in those cases where you would expect that workers would be paid. Steeltech's assets were over $4 million and the banks listed on the bankruptcy filing were owed less than $2 million, so there should have been plenty left over for the wages that were owed. But here comes the trickery. The Redevelopment Authority of the City of Milwaukee was one of several public bodies that put money into Steeltech. It was owed about $6 million. It is not a financial institution and so did not come ahead of the workers' wage claim. But in documents filed in court, the Redevelopment Authority assigned its title to the debt to the Firstar Bank, allowing Firstar, as a financial institution, to claim that it should receive all $6 million before the workers receive anything. Since the assets were less than $6 million, this effectively guaranteed that no worker would receive a penny. We challenged this greedy grab, but the law as written offers little protection to the workers. It must be changed.

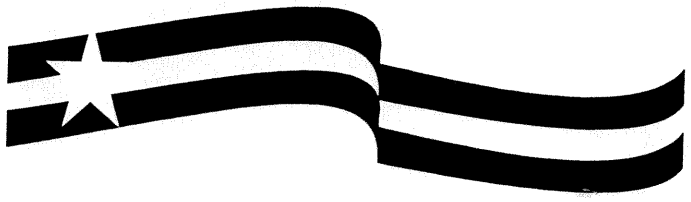
It is a shameful blemish on the State of Wisconsin that current law ensures that banks are paid off rather than the workers who put in the hard hours for a company. It is a further outrage if the law also allows public institutions such as the City of Milwaukee's Redevelopment Authority to be contorted in order to help turn workers' wages over to wealthy banks.

Please approve Senate Bill 17 and ensure that workers receive the wages that they have earned.

Thank you.

Robert Gramm

WISCONSIN
CITIZEN ACTION



Senate Committee on Labor and Agriculture
February 6, 2001

Testimony by
Carolyn Castore, Legislative Director
Wisconsin Citizen Action

Wisconsin Citizen Action is the state's largest public interest watchdog organization with over 54,000 individual members and 250 affiliated organizations. We strongly support SB 17.

The wage lien bill recognizes that for most Wisconsin citizens, wages are the single most important means of supporting themselves and their families. Wages represent work done. The time needed to do that work cannot be recaptured if wages are not paid. Most of us go to work, expecting that our employer will compensate us in an agreed upon manner. Most employers expect to pay those wages as well.

Banks, however, expect risk when lending money. The interest rate charged reflects that risk. Banks regularly review their loans to ensure a balance of risk – so that they will still have a profit if there are some defaults.

Current law does not reflect these expectations. Workers, many of whom live paycheck to paycheck, are expected to bear the risk if their employer goes bankrupt. Financial institutions, who are supposed to be able to manage risk, instead receive special consideration during a bankruptcy.

It is difficult enough for a worker to find out that his or her job no longer exists. It is much worse to discover that the wages earned in the past week or month will not be forthcoming. Workers rarely "lend" their labor. They should not be placed in the position, after the fact, of finding they have donated it.

SB 17 will return the wages earned to their rightful place when a company goes bankrupt – the head of the line.

MILWAUKEE

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John Goldstein
President

Candice Owley
Vice President

Sheila D. Cochran
Secretary Treasurer

COUNTY LABOR COUNCIL AFL-CIO

633 S. Hawley Road, Suite 110 Milwaukee, WI 53214

Senate Labor Committee
Testimony on Senate Bill 17
Priority for Wage Claim Liens

February 6, 2001

Chairman Hansen and Members of the Committee:

Today, you will hear the testimony of workers whose lives have been seriously impacted by a change in Wisconsin State Law enacted in a late-night "miscellaneous" amendment to the 1997-98 budget repair bill. The purpose of this bill was to ensure that banks receive top priority as creditors when an employer closes or goes bankrupt.

The change in the law is accomplishing its purpose. In case after case, workers' wages are left unpaid when employers' close down. In Milwaukee, we can point to Steeltech, J&A Home Health, US Leather, Cares R Us Home Health and Centene Corporation. And as the economy slows, there are certain to be many more examples. The amendment approved in the 1997-98 budget is nothing more than a transfer of wealth from the workers who earned these wages to lending institutions.

When a tannery worker like those you have heard from today goes into work each day, they go with the understanding that they will receive a fair wage for a fair days' work. It's not like going to the casino in the hopes of taking home some winnings. This should not be a gambling proposition.

On the other hand, when a lender makes a loan, they know that there is risk involved. That's why they are paid interest on the money they lend. That's why they assess the risk, before making the loan.

So which of these two transactions...the work performed for an employer...or the money lent by a lender...should receive priority when the business shuts down? It is obvious to me...obvious if you look back in scripture...obvious in the state's traditions...and obvious in a decision by the 1st District Court of Appeals...that worker's wages should not be placed at risk.

I have to believe that this amendment was enacted by mistake. Any reasonable citizen...and certain most legislators...would reach the same conclusion if given all the facts.

So we are asking for your bi-partisan support in taking this measure back before the legislature. We need to ensure that wages are treated fairly in the future, as they were in the past.

Sincerely,

John Goldstein
President

Robert B.L. Murphy
William F. Mundt
Michael R. Vaughan
Richard W. Pitzner
William J. Rameker
James D. Sweet
Stephen L. Morgan
Robert A. Pasch
Debbie Garten
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Jennifer M. Krueger

Of Counsel
John P. Desmond
Harvey L. Wendel

COMMENTS IN OPPOSITION TO SB 17

My name is Michael Vaughan and I am speaking today on behalf of the Wisconsin Bankers Association in opposition to 2001 Senate Bill 17. This bill would change existing law to give wage claim liens on an employer's property priority over previously existing liens of financial institutions.

Only five states have wage claim lien laws: Idaho, Indiana, Minnesota, West Virginia and Wisconsin. Not one of these states has as expansive a law as is proposed by SB 17. One of the reasons 45 states do not have such a law, perhaps the major reason, is that wage claims up to $4,300 per individual are also the subject of federal bankruptcy law provisions. There are conflicting suggestions in state and federal case decisions in Wisconsin as to whether the change proposed by SB 17 would be found applicable in a bankruptcy proceeding.

Here in Wisconsin, our statute was created in 1975 when the administering state agency (then DIHLR) was given an enforceable lien right over an employer's property. Because the lien right was enforceable but not automatic, no conflict with competing lien interests ever arose. In 1993 the law was expanded so as to give individual employees the option of enforcing this lien right. That resulted in greater activity under the statute and suits

were quickly initiated on such issues as to whether this lien legally superseded liens that had existed for decades and whether this change had retroactive effect or not. In January 1998 the District I Court of Appeals, overruling the trial court's decision in part, ruled that this wage claim lien did supersede other liens and also was retroactive in effect.

In reaction, the legislature in 1998 amended this statute to provide that wage claim liens are superior to all subsequently filed liens (except DNR pollution clean-up liens) but do not take precedence over previously filed liens. That state of affairs lasted for only a year. In the 1999 budget act, the legislature changed the law again. This change provided that the wage claim lien is superior to all liens, whenever filed, except for financial institution liens that originate before the wage claim lien takes effect and except for DNR hazardous substance or other pollution clean-up liens.

This history makes clear the tugging and pulling that has occurred over the years between the various parties who wish to protect the superiority of their liens. It is obvious that a worker wishes to be paid the wages due him or her. It is also obvious that a financial institution, in evaluating whether or not to make a loan, needs the certainty of knowing what collateral is available to secure that loan. It is one thing to give a worker superpriority for a $400 wage claim. It is quite another matter to erode the value of properties secured against a loan by giving a potential $20 million superpriority for all the workers in a plant.

This is not an easy issue to resolve and we recognize that there are many policy items to consider. However, I respectfully submit that we thought this issue had been settled when the legislature in 1998 determined that the general rule on enforceability of liens should be followed: That is, that wage claim liens - like most liens - would be superior to all subsequently filed liens, except DNR clean-up liens. That appears to be the law in at least 45 other states.

The 1998 enactment did not last long. The next year we participated in the discussions that arose in the wake of that enactment and that resulted in the change by the 1999 legislature - the presumed final compromise - to provide that wage claim liens are superior to all other liens, whenever filed, except for financial institution liens that originate before the wage claim lien and DNR hazardous substance or other pollution clean-up liens. Now this bill comes before you to say once again, "well, maybe that wasn't quite right, either." To the contrary, we think that present law is right and that this bill is wrong.

We point out that past and current law has made a number of policy decisions on priorities in this area and has sorted out several times what those priorities should be. Once upon a time, because the lien was enforceable but not automatic, the lien was like all other liens in that it took priority over subsequently filed liens and was subordinate to previously filed liens. After the 1993 change and the ensuing litigation, the legislature codified that general rule as the rule to apply here. In 1999, the legislature decided that this lien should be superior to other liens except for financial institution liens and DNR liens. In the case of

DNR liens, that involved the policy judgment that those liens were so important they should take precedence over wage claim liens and all other liens whether filed before or after the DNR lien. That decision continues in this bill. The authors of this bill have concluded that the DNR lien should continue to take precedence over even a previously filed wage claim lien. I am not here to comment on that decision but raise it only to point out the policy decision on priorities that has been made in that instance in this very bill.

I am here to talk about the financial institution liens that under present law have only "ordinary" priority vs. wage claim liens. What I mean by that, again, is that present law gives financial institution liens priority over wage claim liens only if they originate before the wage claim lien originates. Bank business loans are a large part of the economic engine that permits our society to grow, that permits more workers to be employed and that helps to make the Wisconsin economy as vibrant and flourishing as it is. What if business lenders are told, "we want you to make business loans and we certainly understand your taking lien rights in property to secure your loans, but we do want you to know that someone may step ahead of you in line with unlimited claims against the business to which you have loaned money?" Can there be any question but that lenders will be less likely to make a loan in a questionable situation? . . . that lenders will need to charge a higher interest rate because of the added risk? . . . that some of the economic success stories that have resulted in recent years from lenders going out on a limb with new or shaky borrowers simply won't occur anymore?

I set forth this history and these questions to illustrate that the issue of lien priorities is one that the Wisconsin Legislature has deliberated on for some time. As I mentioned earlier, we are one of only five states to have wage claim lien laws on the books and this bill would make our law the most expansive in the nation. As you review this bill, I ask you to consider whether the change proposed here is a fix (and if so, a fix of what?) or a quagmire of new problems?

For the reasons stated, the Wisconsin Bankers Association respectfully opposes SB 17. I will be pleased to respond to any questions committee members may have.

REPRESENTING WISCONSIN BUSINESS
Wisconsin Manufacturers & Commerce

Memo

TO: Members of the Senate Labor and Agriculture Committee

FROM: James A. Buchen, Vice President of Government Relations

DATE: February 6, 2001

RE: **Opposition to Senate Bill 17--Priority of Wage Claim Liens**

Background
Under current Wisconsin law, the department of workforce development (DWD) must investigate and attempt to adjust any claim by an employee that his or her employer has not paid the employee any wages that are owed to the employee (a wage claim). Currently, DWD or an employee who brings a wage claim action has a lien upon all property of the employer, real and personal, located in this state for the full amount of any wages owed to the employee.

Also, under current law, a wage claim lien takes precedence over all other debts, judgments, decrees, liens, or mortgages against an employer **except** for a lien of a financial institution, such as a bank, savings and loan association, or credit union, that originates before the wage claim lien takes effect and a lien of the department of natural resources for expenses incurred in cleaning up a hazardous substance discharge or other environmental pollution.

WMC Position--Opposes SB17
Venture capital is an important component of initiating and sustaining business development in Wisconsin. This bill will discourage the investment of venture capital in start up businesses, as well as in situations where an on-going business operation experiences financial difficulty.

Other state laws, such as Wisconsin's "Plant Closing and Business Cessation" law, recognize the need to balance the interests of financially distressed businesses operations versus the need for employee notice. Passage of this legislation will make it more difficult for companies in financial distress to continue their operations, and to continue employing their workers. See Wis. Stats. Section 109.07(5)(a)(1) and Administrative Rule DWD 279.08 attached.

Conclusion
We urge the members of the Senate Labor and Agriculture Committee to **oppose** SB17.

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www.wmc.org

WMBA
WISCONSIN MORTGAGE BANKERS ASSOCIATION

TO: Members, Senate Labor and Agriculture Committee

FROM: James E. Hough, on behalf of
WMBA Board of Directors

DATE: February 6, 2001

RE: **Opposition to Senate Bill 17**

The Wisconsin Mortgage Bankers Association (WMBA), respectfully urges you to oppose Senate Bill 17 which establishes a super priority status of wage claim liens over preexisting liens.

The result of this change would be to place legitimate mortgage liens on an employer's property at risk for liens that are impossible to quantify and are subsequent to the mortgage lien. Most importantly, the proposed change is simply bad public policy. Such a provision in state law would make it difficult for all businesses and, in particular, for small businesses and start up companies, to obtain mortgage loans due to the risk of potential future wage liens taking precedence over mortgages that originate before the wage lien. Where credit is granted, costs may be significantly higher to cover the risk created by this proposed statutory change.

The strongly opposes Senate Bill 17 and respectfully urges your opposition as well.

Thank you.

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Community Bankers of Wisconsin
CBW Financial Services, Inc.
A Subsidiary of the Community Bankers of Wisconsin

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Public Hearing of the
Senate Labor and Agriculture Committee
SB 17 – Wage Claim Liens

Testimony of Daryll Lund, President & CEO
Community Bankers of Wisconsin

Chairperson Hansen and members of the committee, my name is Daryll Lund, President & CEO of the Community Bankers of Wisconsin (CBW). CBW is a statewide trade association representing the interests of approximately 225 community based financial institutions.

I appear before you today to testify in opposition to SB 17.

Community banks would first like to state that we are sympathetic to what the authors of this bill are attempting to accomplish. Employers have an obligation to pay the employees their due wages and should do so. Wisconsin law is very clear on the time frame in which an employer must pay their employees and the penalties imposed upon them if they refuse to do so.

It is unfortunate that this bill is being portrayed as a bank creditor vs. employees issue when in reality this should be viewed as an employer/employee issue.

In addition to being impacted by a business loan that may go bad community banks may also be impacted when employees are not paid since these same employees may also be customers of the bank who hold loans that are contingent on being repaid from the employees wages. Such a situation could find the bank in a no win situation.

As you know banks operate under the premise of public trust. It has been implied that banks are in a better position vs. the employees to absorb any losses. Banks are financial intermediaries and have a responsibility to safeguard the money deposited in our institutions. When a customer deposits money in a bank, that money is reinvested back into the community in the form of loans. When a bank determines the risk in extending a business loan they want to do so with certainty since they are investing their customers deposits.

Community banks however are opposed to SB 17 because of the following:

1. As proposed in SB 17 the wage claim lien would be applied retroactively and would impact the lender that has a prior perfected security interest in the company's assets.

   Having a perfected security interest in a company's assets is one the criteria a lender uses in establishing the terms of the loan including the interest rate. With additional uncertainty due to a priority wage claim lien the cost of credit to borrowers is likely to increase.

   Also having an undeterminable potential lien against the assets of a business in a priority position would make the credit worthiness of a business almost impossible to assess and could certainly restrict the access to credit for Wisconsin businesses.

2. Currently the Small Business Administration (SBA), WHEDA and the Farm Service Agency all require lenders to have secured positions in collateral to obtain a guaranty. SB 17 if enacted as proposed appears to eliminate the certainty of a secured position that would suggest eliminating these loan guaranty programs to Wisconsin businesses and farmers.

3. There are many types of compensation that could be included in a wage claim lien. Compensation due employees varies significantly between companies. In addition to normal wages and salaries wages could include commissions, tips, deferred compensation plans, employment contracts, golden parachute contracts and profit sharing plans. All these types of compensation plans could potentially be covered under a wage claim lien and could render the company's assets meaningless to a lender.

4. Wisconsin court decisions had concluded prior to the 1998 Court of Appeals decision, Pfister v. Milwaukee Economic Development Corporation that a pre-existing lien would take precedence over a wage lien. In a 1981 Waukesha Circuit Court decision the court held that a lien under §109.09(2) could not be retroactive and did not have priority over liens held by financial institutions. In addition the Court stated that if such lien took priority, it would be unconstitutional as exceeding the police powers of the state.

Also in a 1988 U.S. District Court decision the court found that there is no language in the statute providing that the lien language in §109.09(2) takes precedence over prior secured creditors who have perfected their interest prior to the wage lien.

Thank you for the opportunity to appear before your committee. I would be happy to answer any questions.

Senate

Committee on Labor and Agriculture
Senator Dave Hansen, Chair

PAPER BALLOT

Date: **February 6, 2001**

Bill: **Senate Bill 17 -- Relating to: the priority of a wage claim lien.**

Motion: **Passage**

Moved by: **Hansen**

Seconded by: **Decker**

Aye: _____ **No:** ✓

Lasee

Senator Alan Lasee

Please return to Senator Hansen's office (by messenger) by **5 pm Tuesday, February 6, 2001.**

Thank you. Please call the Committee Clerk, Lisa Ellinger, at 266-5670 if you have any questions.

Senate

Committee on Labor and Agriculture
Senator Dave Hansen, Chair

PAPER BALLOT

Date: **February 6, 2001**

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Seconded by: Decker

Aye: ✓ **No:**_____

Jim Baumgart (jsr)

Senator Jim Baumgart

Please return to Senator Hansen's office (by messenger) by **5 pm Tuesday, February 6, 2001.**

Thank you. Please call the Committee Clerk, Lisa Ellinger, at 266-5670 if you have any questions.

Vote Record

Senate - Committee on Labor and Agriculture

Date: 2/6/01

Bill Number: SB 17

Moved by: Hansen Seconded by: Decker

Motion: passage

Committee Member	Aye	No	Absent	Not Voting
Sen. David Hansen, Chair	☑	☐	☐	☐
Sen. Russell Decker	☑	☐	☐	☐
* Sen. Jim Baumgart	☑	☐	☐	☐
*Sen. Alan Lasee	☐	☑	☐	☐
Sen. Sheila Harsdorf	☑	☐	☐	☐
Totals:	4	1		

*voted via paper ballot

☑ Motion Carried ☐ Motion Failed

Capitol Stampings closes deal to take over ex-Steeltech plant

MSS 1/26/2001

By TOM DAYKIN
of the Journal Sentinel staff

The sale of the former Steeltech Manufacturing Inc. plant to Capitol Stampings Corp. closed this week, it was announced Thursday.

Capitol Stampings, a manufacturer of pulleys and sprockets for lawn-and-garden equipment makers, bought the 181,000-square-foot building, 2700 W. North Ave., for $3.25 million, said Samuel D. Dickman Sr., president of The Dickman Co., Milwaukee. Dickman, along with Robert Flood, of Inland Cos., Milwaukee, brokered the deal.

Capitol Stampings said last year it planned to buy the building. The company will move its 106 employees to the plant and will sell its buildings at 3879 N. Richards St. in Milwaukee and in Fredonia.

Steeltech was founded in 1990 with $30 million in public and private financing. The minority-owned firm received hefty government contracts with the aim of providing jobs on Milwaukee's impoverished north side.

The company, however, was unable to win enough business when its original contracts expired, and eventually it was liquidated.

The City of Milwaukee, Steeltech's largest secured creditor, plans to apply the proceeds from the building's sale to pay off $5.1 million it owes investors who bought Steeltech bonds when the company was founded.

Capitol Stampings will receive $6 million in state incentives to help finance its purchase and renovation of the plant.

AFL-CIO

Phil Newenfeldt
6333 W Bluemound
Mil. WIS
53213

(7) PROTECTION OF EMPLOYEES. Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

History: 1975 c. 380, 421; 1977 c. 26, 235, 447; 1981 c. 20, 388; 1987 a. 403; 1989 a. 226, 228; 1993 a. 86, 144.

The award of "expenses" under sub. (6) may include attorney fees. Jacobson v. American Tool Cos., Inc. 222 Wis. 2d 384, 588 N.W.2d 67 (Ct. App. 1998).

The inclusion of the state in the definition of employer at s. 109.01 (2) and the creation of a private cause of action against employers under sub. (5) is a waiver of the state's sovereign immunity. Claims under statutes enumerated in s. 109.09 (1) may be enforced by a private action brought under sub. (5). German v. DOT, 223 Wis. 2d 525, 589 N.W.2d 651 (Ct. App. 1998).

Attorney fees are awardable under sub. (6). Jackman v. WMAC Inv. Corp. 610 F. Supp. 290 (1985).

109.07 Mergers, liquidations, dispositions, relocations or cessation of operations affecting employees; advance notice required. (1) In this section:

(a) "Affected employee" means an employee who loses, or may reasonably be expected to lose, his or her employment with an employer who is required to give notice under sub. (1m) because of the business closing or mass layoff.

(b) "Business closing" means a permanent or temporary shutdown of an employment site or of one or more facilities or operating units at an employment site or within a single municipality that affects 25 or more employees, not including new or low–hour employees.

(c) "Employee benefit plan" means a plan as defined in 29 USC 1002 (3).

(d) "Employer" means any business enterprise that employs 50 or more persons in this state.

(e) "Highest official" means the mayor of a city, town board chairperson or village president, except as follows:

1. For a city organized under subch. I of ch. 64, "highest official" means both the president of the city council and the city manager.

2. For a village organized under subch. I of ch. 64, "highest official" means both the president of the village board of trustees and the village manager.

(f) "Mass layoff" means a reduction in an employer's work force that is not the result of a business closing and that affects the following numbers of employees at an employment site or within a single municipality, not including new or low–hour employees:

1. At least 25% of the employer's work force or 25 employees, whichever is greater; or

2. At least 500 employees.

(g) "Municipality" means a city, village or town.

(h) "New or low–hour employee" means an employee who has been employed by an employer for fewer than 6 of the 12 months preceding the date on which a notice is required under sub. (1m) or who averages fewer than 20 hours of work per week.

(1m) Subject to sub. (5) or (6), an employer who has decided upon a business closing or mass layoff in this state shall promptly notify the subunit of the department that administers s. 106.15, any affected employee, any collective bargaining representative of any affected employee, and the highest official of any municipality in which the affected employment site is located, in writing of such action no later than 60 days prior to the date that the business closing or mass layoff takes place. The employer shall provide in writing all information concerning its payroll, affected employees and the wages and other remuneration owed to such employees as the department may require. The department may in addition require the employer to submit a plan setting forth the manner in which final payment in full shall be made to affected employees. The department shall promptly provide a copy of the notice required under this subsection to the department of commerce and to the office of the commissioner of insurance and shall cooperate with the department of commerce in the performance of its responsibilities under s. 560.15 and with the office of the commissioner of insurance in the performance of its responsibilities under s. 601.41 (7). This subsection does not apply to a business closing or mass layoff that is caused by a strike or lockout.

(3) (a) If an employer fails to give timely notice to an affected employee as required under sub. (1m), the affected employee may recover, as provided under sub. (4), all of the following:

1. Pay, for the days during the recovery period described under par. (c) that the employee would have worked if the business closing or mass layoff had not occurred, based on the greater of the following:

a. The employee's regular rate of pay from the employer, averaged over the shorter of the 3–year period preceding the business closing or mass layoff or the entire period during which the employee was employed by the employer.

b. The employee's regular rate of pay from the employer at the time of the business closing or mass layoff.

2. The value of any benefit that the employee would have received under an employee benefit plan during the recovery period described under par. (c), but did not receive because of the business closing or mass layoff, including the cost of medical treatment incurred that would have been covered under the employee benefit plan.

(b) The amount that an employee may recover under par. (a) shall be reduced by any cost that the employer incurs by crediting the employee, under an employee benefit plan, for time not actually served because of a business closing or mass layoff.

(c) The recovery period under par. (a) begins on the day that the business closing or mass layoff occurs. The recovery period equals the number of days in the period beginning on the day on which an employer is required to give notice under sub. (1m) and ending on whichever of the following occurs first:

1. The day that the employer actually gave the notice to the employee.

2. The day that the business closing or mass layoff occurred.

(4) (a) An employee whose employer fails to notify timely the employee under sub. (1m) may file a claim with the department. If the employee files a claim with the department no later than 300 days after the business closing or mass layoff, the department shall, in the manner provided in s. 109.09, investigate the claim, determine the number of days that the employer was late in providing notice and, on behalf of the employee, attempt to recover from the employer the payment under sub. (3).

(b) If the department does not recover payment within 180 days after a claim is filed or within 30 days after it notifies the employee of its determination under par. (a), whichever is first, the department shall refer the claim to the department of justice. The department of justice may bring an action in circuit court on behalf of the employee to recover the payment under sub. (3).

(c) If the department of justice does not bring an action under par. (b) within 120 days after the claim is referred to it, the employee may bring an action in circuit court to recover the payment under sub. (3). If the employee prevails in the action, he or she shall also recover costs under ch. 814 and, notwithstanding s. 814.04 (1), reasonable attorney fees.

(d) An action under this section shall be begun within one year after the department refers the claim to the department of justice under par. (b), or be barred.

(4m) (a) If an employer fails to give timely notice to the highest official of a municipality as required under sub. (1m), the department shall assess a business closing surcharge against the employer of not more than $500 for each day in the period beginning on the day that the employer was required to give notice to the highest official and ending on the earlier of the day that the employer actually gave notice to the highest official or the day that the business closing or mass layoff occurred.

(b) The department shall deposit business closing surcharges collected under par. (a) in the general fund.

(5) (a) An employer is not liable under this section for a failure to give notice to any person under sub. (1m), if the department determines all of the following:

1. When the notice under sub. (1m) would have been timely given, that the employer was actively seeking capital or business to enable the employer to avoid or postpone indefinitely the business closing or mass layoff.

2. That the employer reasonably and in good faith believed that giving the notices to all parties required under sub. (1m) would have prevented the employer from obtaining the capital or business.

(b) The department may not determine that an employer was actively seeking capital or business under par. (a) 1. unless the employer has a written record, made while the employer was seeking capital or business, of those activities. The record shall consist of the documents and other material specified by the department by rule under s. 109.12 (1) (b). The employer shall have individual documents in the record notarized, as required by the department's rules. The employer shall provide the department with an affidavit verifying the content of the notarized documents.

(6) An employer is not liable under this section for a failure to give notice to any person under sub. (1m), if the department determines that the business closing or mass layoff is the result of any of the following:

(a) The sale of part or all of the employer's business, if the purchaser agrees in writing, as part of the purchase agreement, to hire substantially all of the affected employees with not more than a 6–month break in employment.

(b) The relocation of part or all of an employer's business within a reasonable commuting distance, if the employer offers to transfer substantially all of the affected employees with not more than a 6–month break in employment.

(c) The completion of a particular project or work of a specific duration, including seasonal work, if the affected employees were hired with the understanding that their employment was limited to the duration of such work or project.

(d) Business circumstances that were not foreseeable when the notice would have been timely given.

(e) A natural or man–made disaster beyond the control of the employer.

(f) A temporary cessation in business operations, if the employer recalls the affected employees on or before the 60th day beginning after the cessation.

(7) Each employer shall post, in one or more conspicuous places where notices to employees are customarily posted, a notice in a form approved by the department setting forth employees' rights under this section. Any employer who violates this subsection shall forfeit not more than $100.

(8) Section 111.322 (2m) applies to discharge and other discriminatory acts arising in connection with any proceeding under this section.

History: 1975 c. 380; 1983 a. 84, 149; 1983 a. 192 s. 304; 1983 a. 538; 1987 a. 27; 1989 a. 44, 228; 1995 a. 27, ss. 3782 and 9116 (5); 1997 a. 51.

There is no private cause of action under this section. Henne v. Allis–Chalmers Corp., 660 F. Supp. 1464 (E. D. Wis. 1987).

DWD 279.08 Exceptions. An employer is not liable for failure to give notice if the department, upon complaint, determines the business closing or mass layoff is caused by any of the following:

(1) A strike or a lockout not intended to evade the requirements of s. 109.07, Stats., including but not limited to loss of employment for nonstriking employes who lose work with an employer because of a strike.

(2) The sale of all or part of an employer's business, if the purchaser agrees, in writing, as part of the purchase agreement to hire substantially all of the affected employes with not more than a 6 month break in employment.

(3) (a) The relocation of all or part of an employer's business within a reasonable commuting distance, if the employer offers to transfer or hire substantially all of the affected employes with not more than a 6–month break in employment.

(b) Offers to transfer shall be considered a relocation under this subsection if the employe receives a bona fide transfer offer to an employment site owned and operated by a related enterprise. If the new employment site is within a reasonable commuting distance, the relocation exception will apply, regardless of whether the employer offers to compensate the affected employe for relocation costs. However, an employer's offer to pay relocation costs may make a more distant site equivalent to one within a reasonable commuting distance for purposes of this subsection.

(c) Under this subsection, a "reasonable commuting distance"shall be presumed to be a distance of less than 50 miles, unless an affected employe has already been commuting 50 miles or greater on a voluntary basis prior to the relocation or indicates in writing that he or she is willing to commute 50 miles or more under a relocation. On a case by case basis, the department may determine that a commuting distance of less than 50 miles is not reasonable if industry practice or local conditions, such as climate, geographic accessibility, the quality of roads, customary available transportation, including public transportation, and travel time, so warrant.

(4) (a) The completion of a particular project, activity or undertaking or work of a specific duration, including seasonal work if the affected employes were hired with the understanding that their employment was limited to the duration of the work or project.

(b) For the purposes of this paragraph, an employer is not required to provide notice to agricultural, construction or other employes whose work is clearly identified as seasonal but not recurring, or who are hired for harvesting, processing, or for work limited to a particular project.

(c) The department shall consider usual and customary employment practices of the industry or locality, employment contracts or collective bargaining agreements in determining whether the exemption under this paragraph applies to a particular situation.

(d) A particular project, activity or undertaking or work will be considered to be of a specific duration where employes understand that, upon completion of a particular project, activity, undertaking or work, their employment will cease. There is no requirement that a specific termination date be known or communicated to employes.

(e) Whether affected employes understand at the time of hire that their employment was for a particular project, activity or undertaking, or work of a specific duration, shall be determined by reference to employment contracts, collective bargaining agreements or employment practices of an industry or a locality. The burden of proof will be the employer's to show that the temporary nature of the project or facility was clearly understood.

(5) Business circumstances that were not foreseeable when the notice would have been timely given.

(a) Factors that the department shall consider in determining whether the exemption under this paragraph applies include without limitation by enumeration a strike or lockout at a major supplier of the employer, a government ordered closing of an employment site without prior notice, the unexpected termination of a major contract the employer has with a principal client or customer, or an employer's sudden inability to obtain sufficient supplies to be used in production at a competitive cost.

(b) For purposes of this paragraph sudden, dramatic or unexpected events, are considered not foreseeable.

(6) A natural or man–made disaster beyond the control of the employer.

(a) For purposes of this paragraph an employer must be able to demonstrate that its business closing or mass layoff is a direct result of a natural or man–made disaster.

(b) Where a business closing or mass layoff is an indirect result of a natural or man–made disaster this exception does not apply, but the unforeseeable business circumstances exception in sub. (5) may apply.

(7) A temporary cessation of business operations, if the employer recalls the affected employes on or before the 60th day beginning after the cessation.

(8) (a) At the time the 60–day notice would have been required, the employer was actively seeking capital or business to prevent or postpone indefinitely the closing or layoff and the employer reasonably believed both that it had a realistic opportunity of obtaining the necessary capital or business and that giving notice would prevent the employers' action from succeeding.

(b) Upon receipt of a complaint concerning an employers' failure to give notice under this subsection, the department shall request from and the employer shall provide a written chronological record of those steps taken at or shortly before the time notice would have been required, which shall include the following:

1. Written requests for loans of capital to individuals or lending institutions.

2. Written replies granting or denying requests for loans of capital from individuals or lending institutions. If an offer for a loan or credit is rejected by the employer, the employer must state to the department the reasons, in writing for refusing the offer.

3. Evidence that the employer sought financing or refinancing through the issuance of stocks, bonds or other methods of internally generated financing or sought additional money, credit or business through any other commercially reasonable method.

4. Evidence that the capital or business sought was sufficient, if obtained, to have enabled the employer to avoid or postpone the closing or mass layoff.

5. Evidence that an employer's business source would not do business with a troubled company or a company whose workforce would be looking for other jobs.

(c) All records, individual documents or other material submitted under this paragraph shall be notarized by the employer as required by the department.

(d) The employer shall provide to the department an affidavit verifying the content of the notarized documents.

History: Cr. Register, March, 1991, No. 423, eff. 4–1–91.